

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CYBERFONE SYSTEMS, LLC,

Plaintiff,

v.

CELLCO PARTNERSHIP, *et al.*,

Defendants.

C.A. No. 11-827-SLR

[DEFENDANTS' PROPOSED] SCHEDULING ORDER¹

At Wilmington, this ____ day of March 2012, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b);

IT IS ORDERED, consistent with paragraph 4 of the Default Standards for Discovery, Including Discovery of Electronically Stored Information (the “Default Standards”), as follows:

1. Identification of asserted claims and accused

instrumentalities. Plaintiff will (1) provide a preliminary identification of asserted claims and accused instrumentalities and claimed conception dates; and (2) produce file histories of the asserted patents, (including abandoned patent applications related to the asserted patents), conception and reduction to practice documents, pre-application sale/offer to sell/third party disclosure documents by

April 3, 2012.

¹

Defendants here refer to Defendants in the 11-827 to 11-834 actions.

2. **Production of core technical documents.** Defendants will produce core documents sufficient to show the functionality of the accused instrumentalities by **July 3, 2012**.

3. **Infringement Contentions.** Plaintiff will serve preliminary infringement contentions identifying where each claim element of each asserted patent is found in each accused product by **October 3, 2012**.

4. **Initial Disclosures.** The parties will exchange by **October 17, 2012** the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

5. **Invalidity Contentions.** Defendants will serve preliminary invalidity contentions by **December 3, 2012**.

6. Defendants shall be permitted to file a motion that the asserted claims of the '060 patent are invalid for claiming patent-ineligible subject matter under 35 U.S.C. § 101, *Bilski v Kappos*, 130 S. Ct. 3218 (2010), and its progeny including this Court's decisions in *Accenture Global Services GMBH v. Guidewire Software, Inc.*, 800 F. Supp. 2d 613 (D. Del. 2011) and *Accenture Global Services GMBH v. Guidewire Software, Inc.*, 691 F. Supp. 2d 577 (D. Del. 2010).

7. A status conference will be held the week of **October 22, 2012**, to discuss with the parties how the remainder of the case should proceed, including discovery limits and scheduling, the possibility of early claim construction and/or summary judgment, the manner in which the cases shall be tried against particular defendants, and any other issues the Court or the parties

wish to discuss. The parties shall submit a joint status report five days in advance of each such conference.

8. This matter is scheduled for a jury trial eight weeks during March-April 2014, to be allocated among particular trials for individual defendants at a later date, to take place in courtroom 4B, fourth floor, Federal Building, 844 King Street, Wilmington, Delaware.

UNITED STATES DISTRICT JUDGE

Dated: _____